

DECLARATION IN COENDING APPLICATION CONTAINING ADDITIONAL SUBJECT MATTER				ATTORNEY'S DOCKET NO.
<p>I, the below named inventor, hereby declare that:  My residence, post office address and citizenship are as stated below next to my name;  that I verily believe that I am the original, first and sole inventor if only one name is listed at 201 below, or a joint inventor if plural  inventors are named below at 201-203, of the invention entitled: <u>ALIGNMENT OF ELLIPSOMETER BEAM</u>  <u>TO SAMPLE SURFACE</u></p> <p>which is described and claimed in the attached specification;  that this application in part discloses and claims subject matter disclosed in my earlier filed pending application.</p> <p>Serial No. _____, filed _____; SEE PAGE 2</p> <p>that I acknowledge my duty to disclose information of which I am aware which is material to the examination of this application;  that as to the subject matter of this application which is common to said earlier application, I do not know and do not believe that  the same was ever known or used in the United States of America before my or our invention thereof or patented or described in  any printed publication in any country before my or our invention thereof, or more than one year prior to said earlier application,  or in public use or on sale in the United States of America more than one year prior to said earlier application;  that the common subject matter has not been patented or made the subject of an inventor's certificate issued before the date of  said earlier application in any country foreign to the United States of America on an application filed by me or my legal represent-  atives or assigns more than twelve months prior to said earlier application; and  as to applications for patents or inventor's certificate on the common subject matter filed in any country foreign to the United  States of America, prior to said earlier application by me or my legal representatives or assigns.</p> <p><input checked="" type="checkbox"/> no such applications have been filed, or  <input type="checkbox"/> such applications have been filed as follows:</p>				
<b>EARLIEST FOREIGN APPLICATION(S), IF ANY, FILED WITHIN 12 MONTHS PRIOR TO SAID EARLIER APPLICATION</b>				
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)	PRIORITY CLAIMED UNDER 35 U.S.C. 119
				YES <input type="checkbox"/> NO <input type="checkbox"/>
				YES <input type="checkbox"/> NO <input type="checkbox"/>
<b>ALL FOREIGN APPLICATIONS, IF ANY, FILED MORE THAN 12 MONTHS PRIOR TO SAID EARLIER APPLICATION</b>				
<p>that as to the subject matter of this application which is not common to said earlier application, I do not know and do not believe  that the same was ever known or used in the United States of America before my or our invention thereof or patented or  described in any printed publication in any country before my or our invention thereof, or more than one year prior to this  application, or in public use or on sale in the United States of America more than one year prior to this application;  that said non-common subject matter has not been patented or made the subject of an inventor's certificate issued before the  date of this application in any country foreign to the United States of America on an application filed by me or my legal  representatives or assigns more than twelve months prior to this application; and  as to applications for patents or inventor's certificate on the invention filed in any country foreign to the United States of Amer-  ica prior to this application by me or my legal representatives or assigns.</p> <p><input checked="" type="checkbox"/> no such applications have been filed, or  <input type="checkbox"/> such applications have been filed as follows:</p>				
<b>EARLIEST FOREIGN APPLICATION, IF ANY, FILED WITHIN 12 MONTHS PRIOR TO THIS APPLICATION</b>				
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)	PRIORITY CLAIMED UNDER 35 USC 119
				<input type="checkbox"/> YES <input type="checkbox"/> NO
				<input type="checkbox"/> YES <input type="checkbox"/> NO
<b>ALL FOREIGN APPLICATIONS, IF ANY, FILED MORE THAN 12 MONTHS PRIOR TO THIS APPLICATION</b>				

ALIGNMENT OF ELLIPSOMETER BEAM TO SAMPLE SURFACE

This Application Claims Benefit of Provisional Applications Nos.:

60/418,266 Filed 10/15/02; and

60/459,690 Filed 04/03/2003.

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. (List name and registration no.)

JAMES D. WELCH

REG. NO. 31,216

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

I acknowledge the duty to disclose material information as defined in 37 C.F.R. 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I have reviewed and understood the content of the application, including the Claims as amended and specifically referred to below.

Martin Liphardt Craig Herzinger Brian Guenther Steven Green J.D.C. 2  
10-9-03 10-9-03 10/07/03 10-9-03

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. (List name and registration no.)

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202	FULL NAME OF INVENTOR	FAMILY NAME HE	FIRST GIVEN NAME PING	SECOND GIVEN NAME
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203	FULL NAME OF INVENTOR	FAMILY NAME	FIRST GIVEN NAME	SECOND GIVEN NAME
	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP
	POST OFFICE ADDRESS	POST OFFICE ADDRESS	CITY	STATE & ZIP CODE/COUNTRY
204	FULL NAME OF INVENTOR	FAMILY NAME	FIRST GIVEN NAME	SECOND GIVEN NAME
	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP
	POST OFFICE ADDRESS	POST OFFICE ADDRESS	CITY	STATE & ZIP CODE/COUNTRY

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I have reviewed and understood the content of the application, including the Claims as amended and specifically referred to below.

*James D. Welch*

10/9/03

10/9/03

STATUS AS A SMALL ENTITY

The undersigned:

CRAIG M. HERZINGER  
STEVEN E. GREEN  
MARTIN M. LIPHARDT

BRIAN D. GUENTHER  
GALEN L. PFEIFFER  
PING HE

hereby aver that they are the inventors of the invention titled:

ALIGNMENT OF ELLIPSOMETER BEAM TO SAMPLE SURFACE

and that they are independent inventors in accordance with Section 1.9(c) of 37 C.F.R., and that he qualifies as a Small Entity as defined in Section 1.9(f) of 37 C.F.R.

Galen L. Pfeiffer 10/9/03  
GALEN L. PFEIFFER DATE

Craig M. Herzinger 10/9/03  
CRAIG M. HERZINGER DATE

St E Green 10-9-03  
STEVEN E. GREEN DATE

Brian D. Guenther 10/9/03  
BRIAN D. GUENTHER DATE

Martin M. Liphardt 10-9-03  
MARTIN M. LIPHARDT DATE

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PING HE DATE